

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**RICHARD G. TATUM, individually and on)
behalf of a class of all other persons)
similarly situated,)**

Plaintiff,

v.

**R.J. REYNOLDS TOBACCO COMPANY,)
et al.)**

Defendants.

Civil Action No. 1:02 CV 00373

**PLAINTIFF'S MOTION TO STRIKE
DEFENDANTS' SUGGESTION OF
SUBSEQUENTLY DECIDED
AUTHORITY**

Plaintiff hereby moves to strike Defendants' Suggestion of Subsequently Decided Authority (Dkt #394), filed July 7, 2010. Contrary to the Local Rules, Defendants have submitted non-controlling authority and have provided argument regarding that authority. Plaintiff requests that the Court strike Defendants' filing or accept Plaintiff's Objection (attached as Exhibit A), so that Plaintiff has the opportunity to respond to Defendants' arguments.

Dated: July 14, 2010

Respectfully submitted,

By: /s/ Robert M. Elliot

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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